

REMARKS

Headings are being added to the specification as requested by the Examiner. However, applicant would respectfully remind the Examiner that such headings are a matter of preference, not something which is required by the statute, the Rules or the MPEP. Claims 1, 4 and 7 have been rejected under 35 U.S.C. §103 as being unpatentable over Simhaee (U.S. 6,423,166) in view of Skalsky et al. (U.S. 4,936,079). Reconsideration and withdrawal of that rejection is required.

There is no motivation or basis other than applicant's own disclosure and claims for combining the teachings of the two references in the manner suggested by the Examiner, and the rejection is a clear example of impermissible hindsight reconstruction. Simhaee and Skalsky et al. are directed to different types of machines, and Skalsky et al. is not even concerned with air-filled packing materials. Instead, it pertains to a wrapping machine in which the roll of wrapping material is mounted in a manner which permits rotation of the roll to be controlled to maintain proper tension in the material for wrapping purposes. That has nothing to do with the inflation of air-filled packing materials.

Claims 1, 4 and 7 are being amended to further distinguish over the prior art by making it clear that the roll of film material rests on the rollers above the inflation tube and that the inflation tube extends in a upward direction for injecting air into the inflation channel and chambers to inflate the cushions. That is an important improvement over the prior art in that it provides a very compact machine in which the roll of film material is easily installed and the cushions flow from the machine in a downward direction where they are most easily used or collected. With those amendments, the subject matter of Claims 1, 4 and 7 are clearly patentable over the teachings of Simhaee and Skalsky et al. even if they are combined in the manner suggested by the Examiner.

Claims 2, 3, 5 and 6 have been rejected under 35 U.S.C. §103 as being unpatentable over Simhaee and Skalsky et al. and further in view of Larson et al. (U.S. 4,017,351). Those claims depend from Claims 1 and 4 and are directed to patentable subject matter for the same reasons as their amended parent claims.

Larson et al. is cited as showing a stainless steel heating element 44 and a wheel 41, but there appears to be a misunderstanding in that regard because element 44 is a flexible belt and element 41 is a shaft. Even if Larson et al. did show a sealing element and wheel as claimed, it still does not suggest the use of such elements in a machine having the other features of applicant's invention.

Moreover, it should be noted that the claims do not simply call for a stainless steel heating element and a wheel as suggested by the Examiner. Claims 2 and 5 specifically call for a cylindrical heating element, with the axis of the heating element being perpendicular to the axis of the wheel and the heating element being exposed for direct contact with the film material. Claims 3 and 6 further specify that the heating element comprises a stainless steel rod. That structure is not found in the references, either individually or collectively, and it is improper for the Examiner to ignore it as he has done. As discussed in the paragraph bridging pages 6 and 7 of applicant's disclosure, having the stainless steel rod and the pressure wheel oriented at right angles to each other results in a point seal which permits the use of higher temperatures and results in better seals. It is a significant and unobvious improvement over the prior art.

Claims 13 - 15 have also been rejected under 35 U.S.C. §103 as being unpatentable over Simhaee and Skalsky et al. and further in view of Larson et al. Those claims distinguish over the references in calling for a cabinet adapted to rest on a relatively small horizontal supporting surface, a pair of spaced apart, horizontally extending rollers on the upper side of the cabinet for receiving the roll of film material in such manner that the roll rests on the rollers, a feed mechanism positioned toward the front of the cabinet for withdrawing the film material from the roll in a downward

direction, an inflation tube extending in an upward direction from the feed mechanism and adapted to be received in the inflation channel of the film material that is withdrawn from the roll, a source of air within the cabinet connected to the inflation tube for introducing air into the chambers to inflate the cushions, and a sealing unit for forming a longitudinally extending seal in the film material between the inflation channel and the cushions to close the inlet passageways after the cushions have been inflated. These differences are discussed above in regard to Claims 1, 4 and 7, and are even greater here with the addition of the cabinet and the mounting of the roll on top of the cabinet.

Claims 14 and 15 are directed to the sealing mechanism and further distinguish the invention for the reasons discussed above in connection with Claims 2, 3, 5 and 6.

Claims 16, 17, 19 and 20 have not been rejected, but the Examiner apparently intended to include them in his rejection of Claims 1, 4 and 7 because he does allude to them in the discussion of that rejection. Those claims specify that the inflation channel is pinched closed by one of the rollers, and the injector is positioned for injecting air into the inflation channel in a portion of the material which has been withdrawn from the roll, with the air in the inflation channel flowing around the roll only to the point where the channel is pinched closed by the roller. That clearly is not shown in the references, and the Examiner cannot put it there by speculating that it is a matter of design choice or something which is inherent in them.

Claim 17 further distinguishes in specifying that the film material is withdrawn from the roll about 90 to 180 degrees from the point where the inflation channel is pinched closed by the roller.

Claims 19 and 20 depend from Claim 7 and are directed to patentable subject matter for the same reasons as their amended parent claim. In addition, Claim 19 further specifies that the inflation channel is pinched closed by one of the rollers, and air is injected into the inflation channel in a portion of the material which has been withdrawn from the roll, with the air in the inflation channel flowing around the roll only

to the point where the channel is pinched closed by the roller. As noted above, such pinching of the inflation channel is not even remotely suggested by the references.

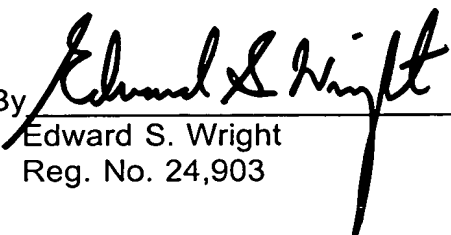
Claim 20 depends from Claim 21 in further specifying that the film material is withdrawn from the roll about 90 to 180 degrees from the point where the inflation channel is pinched closed by the roller.

Claim 18 has been rejected under 35 U.S.C. §103 as being unpatentable over Simhaee in view of Skalsky et al. and Murakami (U.S. 5,581,983). That claim depends from Claim 4 and is directed to patentable subject matter for the same reasons as its amended parent claim. In addition, it further distinguishes in specifying that the air injector comprises an inflation tube which extends into the inflation channel, and the means for feeding the film material from the roll includes dual feed rollers positioned on opposite sides of the inflation tube for engagement with the film material on opposite sides of the inflation channel. Murakami does not suggest the use of an inflation tube and such rollers in a machine having the other features of applicant's invention.

For the reasons discussed above, it is respectfully submitted that Claims 1 - 7 and 13 - 20 are all directed to patentable subject matter and that the application is in condition for allowance.

The Commissioner is authorized to charge any fees required in this matter, including extension fees, to Deposit Account 50-2319, Order No. A-71304/ESW.

Respectfully submitted,

By 
Edward S. Wright
Reg. No. 24,903

(650) 494-8700